

**Notice of Allowability**

Application No.

10/563,410

Examiner

Sanh D. Phu

Applicant(s)

BARRETT ET AL.

Art Unit

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 1/29/2007.
2. ☒ The allowed claim(s) is/are 1,4,6-16,18-22,26 and 28-30.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|  | 9. <input type="checkbox"/> Other _____  |

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### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 1/29/07.

Accordingly, claims 1, 4, 6-16, 18-22, 26 and 28-30 are currently pending;

and claims 2, 3, 5, 17, 23-25, 27, 31 and 32 are canceled.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Brian Mancini on 2/28/07:

The application has been amended as follows:

#### IN THE CLAIMS:

-In claim 1, on lines 10-11, the phrase "the group of scheduling and admission control" is changed to --a group of scheduling and admission control--.

-In claim 1, lines 12-13, the phrase "the bottleneck resource" is changed to --the one or more bottleneck resources--.

-In claim 1, lines 14-15, the phrase "the bottleneck resource" is changed to --the one or more bottleneck resources--.

-In claim 1, lines 16-17, the phrase "the bottleneck resource" is changed to --a bottleneck resource--.

-In claim 6, line 6, the phrase "the identified bottleneck resource" is changed to --the identified one or more bottleneck resources--.

-In claim 10, line 4, the phrase "the further resource" is changed to --a further resource--.

-In claim 15, lines 9-10, the phrase "the group of scheduling and admission control" is changed to --a group of scheduling and admission control--.

-In claim 15, line 11, the phrase "the bottleneck resource" is changed to --the one or more bottleneck resources--.

-In claim 15, line 12, the phrase "the bottleneck resource" is changed to --the one or more bottleneck resources--.

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-In claim 15, line 14, the phrase "the bottleneck resource" is changed to --a bottleneck resource--.

-In claim 26, lines 9-10, the phrase "the group of scheduling and admission control" is changed to --a group of scheduling and admission control--.

-In claim 26, lines 11-12, the phrase "the bottleneck resource" is changed to --the one or more bottleneck resources--.

-In claim 26, lines 13-14, the phrase "the bottleneck resource" is changed to --the one or more bottleneck resources--.

-In claim 26, lines 15-16, the phrase "the bottleneck resource" is changed to --a bottleneck resource--.

-In claim 28, line 4, the phrase "the further resource" is changed to --a further resource--.

-In claim 29, line 3, the phrase "the group of; an overload alarm," is changed to --a group of overload alarms, wherein--.

-In claim 29, line 5, the term "and" is changed to --or--.

-In claim 30, lines 3-4, the phrase "a number of the resource" is changed to --the number of the resource--.

#### **REASONS FOR ALLOWANCE**

3. Claims 1, 4, 6-16, 18-22, 26 and 28-30 are allowed.

4. The following is an examiner's statement of reasons for allowance:

-Regarding to independent claim 1, none of prior art of record teaches or suggests a communication system as claimed. Bird et al (6,657,954) teaches the claimed communication system except Bird et al system lacks of means for prioritizing one of bottleneck resource(s) and other resources from system resources with a bottleneck resource being allocated a high priority when selectively applying at least one quality of services process. It would not have been obvious for a person skilled in the art to additionally implement Bird et al system with means for prioritizing one of bottleneck resources and other resources from system resources with a bottleneck resource being allocated a

high priority when selectively applying at least one quality of services process in order to lead such the implementation to the claimed invention.

–Regarding to independent claim 15, none of prior art of record teaches or suggests a method of reducing processing power consumption, as claimed. Bird et al teaches the claimed method except Bird et al method lacks of procedure for prioritizing one of bottleneck resource(s) and other resources from system resources with a bottleneck resource being allocated a high priority when selectively applying at least one quality of services process. It would not have been obvious for a person skilled in the art to additionally implement Bird et al method with procedure for prioritizing one of bottleneck resources and other resources from system resources with a bottleneck resource being allocated a high priority when selectively applying at least one quality of services process in order to lead such the implementation to the claimed invention.

–Regarding to independent claim 26, none of prior art of record teaches or suggests a system for managing base-site resources and system throughput of data, as claimed. Bird et al teaches the claimed system except Bird et al

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system lacks of means for prioritizing one of bottleneck resource(s) and other resources from system resources with a bottleneck resource being allocated a high priority when selectively applying at least one quality of services process. It would not have been obvious for a person skilled in the art to additionally implement Bird et al system with means for prioritizing one of bottleneck resources and other resources from system resources with a bottleneck resource being allocated a high priority when selectively applying at least one quality of services process in order to lead such the implementation to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number

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is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Sanh D. Phu

Examiner

Division 2618

3/5/07

SP

SANH D. PHU  
PATENT EXAMINER

*Sanh D. Phu*